

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALVIN RONNELL ROSS,

1:99-cv-06324-REC-LJO-P

Plaintiff,

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS** (Doc. 112)

vs.

**ORDER GRANTING MOTION TO
DISMISS** (Doc. 97)

VICKIE McCOY, et al.,

Defendants.

ORDER DISMISSING ACTION

Plaintiff Alvin Ronnell Ross ("plaintiff"), a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On July 22, 2005, the Magistrate Judge a filed Findings and Recommendations herein which was served on the parties and which contained notice to the parties that any objections to the Findings and Recommendations were to be filed within thirty (30) days. On July 28, 2005, plaintiff filed objections to the Magistrate Judge's Findings and Recommendations. Defendants filed a reply to plaintiff's objections on August 2, 2005.

1 In accordance with the provisions of 28 U.S.C.
2 § 636(b)(1)(C) and Local Rule 73-305, this Court has conducted a
3 de novo review of this case. Having carefully reviewed the
4 entire file, the Court finds the Findings and Recommendations to
5 be supported by the record and by proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The Findings and Recommendations, filed July 22, 2005,
8 is ADOPTED IN FULL;

9 2. Defendants' unenumerated Rule 12(b) motion to dismiss,
10 filed November 12, 2004, is GRANTED; and,

11 3. This action is DISMISSED, without prejudice, for
12 plaintiff's failure to comply with 42 U.S.C. § 1997e(a).

13 IT IS SO ORDERED.

14 Dated: September 15, 2005
668554

/s/ Robert E. Coyle
UNITED STATES DISTRICT JUDGE